REMARKS

Claims 1-56 were pending in the above-identified application. Claims 1-56 were rejected. With this Amendment, claims 1, 16, 27, and 42 were amended and claims 3, 29, and 44 were cancelled. Accordingly, claims 1-2, 4-28, 30-43, and 45-56 are at issue in the above-identified application.

Claims 1-56 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Koether* (U.S. Patent No. 5,875,430). Applicant respectfully traverses this rejection.

Applicant submits that Koether does not teach inputting a plurality of data associated with the user in a database via "a web page on a web device," as required by amended claims 1, 16, 27, and 42. In the Office Action, the Examiner admits that Koether does not expressly teach the use of a web page or a web device, but instead argues the use of the web page and web device would be inherent. Applicant respectfully disagrees.

As the Federal Circuit has explained, a reference may anticipate either expressly or inherently. *EMI Group North America, Inc. v. Cypress Semiconductor Corp.*, 268 F.3d 1342, 1350 (Fed. Cir. 2001). However, for a reference to anticipate inherently, the inherent feature must be necessarily present, not just a possibile. *Schering Corp. v. Geneva Pharms., Inc.*, 339 F.3d 1373, 1377 (Fed. Cir. 2003). The use of a web page or a web device for inputting data associated with the user is not necessarily present in Koether. In fact, given that Koether goes to great lengths to describe various methods for communicating data through the system --specifically referencing POS, ATM, and cellular wireless communication-- but never once even mentions the Internet, world wide web, HTML, etc., it is far more likely that Koether not only doesn't inherently include the Intenet, it didn't contemplate using the Internet at all.

Accordingly, Applicant submits that Koether does not inherently disclose claims 1, 16, 27, and 42.

Applicant also submits that Koether does not disclose numerous limitations present in the dependent claims. First, Applicant submits that Koether does not teach "entering a day of week in the graphical interface; and entering a time during the day of week in the graphical interface that the coffeemaker will be turned on," as required by claims 8, 34, and 49. The portion of the reference cited by the Examiner (Col. 12, lines 55-64) refers merely to controlling the power duty cycle of the appliances if the maximum power demand has been reached. There is no mention or even suggestion of setting a time of day when an appliance such as a coffeemaker will be turned on. Accordingly, Applicant submits that Koether does not disclose the limitations in claims 8, 34, and 49. For this same reason, Applicant also submits that Koether does not teach that "the portion of data contains at least one turn on time that is stored in the coffeemaker memory," as required by claim 21.

Second, Applicant submits that Koether does not teach "transmitting a time synchronization signal over the home network to the appliances to synchronize a clock in each of the appliances," as required by claims 9, 35, and 50, or "an appliance clock...that synchronizes to a time signal," as required by claim 17. In the Office Action, the Examiner cites to col. 12, line 27 to col. 13, line 26 when rejecting these claims. As above, this section is directed only to controlling the power duty cycle of the appliances to perform load leveling. Koether does not mention or suggest transmitting a time synchronization signal to synchronize the clocks in each of the appliances.

Third, Applicant submits that Koether does not teach "synchronizing a clock in the intelligent controller upon receipt of a time message...and displaying on a display in the

intelligent controller a human perceptible time indicator," as required by claims 10, 36, and 51. In rejecting these claims, the Examiner cited to col. 10, lines 1-61. In this section, Koether discusses the use of a palm/laptop computer linked to the microprocessor based controller in order to enhance on-site repair procedures. Although Koether provides a list of information types that is communicated between the hand held device and the control center, it does not state that any information regarding the time is transmitted. Koether also makes no mention or even suggestion of synchronizing a clock either on the controller or on the handheld. Accordingly, Applicant submits that Koether also does not disclose this limiation.

Fourth, Applicant submits that Koether does not teach "converting a code that is scanned by a bar code reader into a digital signal at the appliance; and selecting a recipe program from the plurality of recipe programs associated with the digital signal" as required by claims 12, 38, and 53. Koether teaches only that a change in a recipe for a food product may be communicated to the controllers of each desired kitchen appliances (col. 11, lines 53-61). It does not however, teach or even suggest the use of a bar code reader to scan in food codes which may then be associated with the stored recipes.

Fifth, Applicant submits that Koether does not teach "converting a code that is scanned by a bar code reader into a digital signal at the appliance, determining that none of the recipe programs in memory are associated with the digital signal; and transmitting to the intelligent controller the digital signal over the homer network," as required by claims 13, 39, and 54. As discussed above, Koether does not disclose the use of a barcode reader. In addition, Koether also does not teach that any signal representative of the scanned code would be sent to the intelligent controller. In fact, doing so would not be necessary in the Koether system. As Applicant's invention is meant for consumer use, the signal representative of the scanned code may be sent to

the intelligent controller in order to request a new recipe that was not previously stored in the user's appliance. However, the Koether system is designed to be used by retail food services such as McDonalds, or Burger King (col. 11, line 59) that have centrally set menus. Under that scenario, there would simply be no need to request new recipes on an appliance by appliance basis. Accordingly, Applicant submits that Koether does not teach these limitations.

Sixth, Applicant submits that Koether does not teach that the intelligent controller "includes a radio" or that the "radio is configured with a plurality of present station upon receipt of the plurality of data," as required by claim 19. In fact, Koether makes no mention of a radio at all. The section of Koether cited by the examiner (col. 7, lines 30-45) discusses the use of radio frequency communication protocols for transmitting information from the kitchen base stations. It does not disclose, or even suggest that the controller could include a radio, and therefore also does not teach that any radio presets can be configured upon receipt o the plurality of data.

In view of the foregoing, Applicant submits that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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